

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
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NOTICE OF NEW PROCEDURES IN SOCIAL SECURITY APPEALS

The purpose of this notice is to inform you of a change in this court's method of processing Social Security appeals which was implemented in order to avoid the preparation of unnecessary motions and other documents.

The former practice of deciding Social Security appeals by requiring the parties to file cross-motions for summary judgment after the answer was filed is no longer to be utilized in this district. Instead, Social Security appeals will be treated as what they are - an appeal from an administrative agency.

As in all other appeals, the party appealing, in this case the plaintiff, will first be required to file a complaint or petition, which is similar to the former practice. The plaintiff is still required to serve both the Attorney General of the United States and the Commissioner of Social Security. Service is also required on the United States Attorney for this district.

Then, a scheduling order will be issued requiring the Secretary to file the transcript of administrative proceedings and notice of filing same. Since the Commissioner of Social Security will not be required to file a formal answer to the complaint or petition under this new procedure, the Commissioner expressly reserves all defenses which may be subsequently presented in the Commissioner's responsive brief. The scheduling order will establish a date within which the plaintiff will be required to file a brief identifying the specific grounds for appeal; the defendant will file a response which may include additional relevant issues not raised by plaintiff, together with appropriate supplemental materials; and the plaintiff will file a reply brief. At that point, the court will be in a position to decide the appeal.

The court believes that this new procedure will be a more efficient way in which to process and decide Social Security appeals.